

Application No. 10/661,020  
Preliminary Amendment Dated April 19, 2005  
Reply to Office Action of April 5, 2005

**REMARKS/ARGUMENTS**

By this Amendment, the specification and claims 33, 48, 50, 52 and 54 are amended and claims 56-57 are added.

Claim 33 is amended to correct a typographical error. Further remarks relating to the amendments are set forth below in the context of addressing the restriction and election requirements.

In response to the restriction and election requirements, Applicants hereby provisionally elect with traverse Group IV, claims 52-55, drawn to an absorbent article comprising a topsheet, an intermediate layer, a backsheet, and an absorbent layer further comprising polymeric biguanide, and the disposable incontinence pad species of the elected group of claims. Thus, claims 1-57 are pending, with non-elected claims 1-51 being withdrawn from consideration. All of the elected claims are generic to the elected species.

A restriction requirement between inventions is proper only where there is a serious burden on the Patent Office to examine all of the claims in a single application, even when it appears that appropriate reasons exist for a restriction requirement. MPEP §803. Applicants respectfully submit that there would be no serious burden on the Patent Office to examine all of the present claims because the subject matter of Groups I-IV is sufficiently related that a search of any one group would encompass a search for the subject matter of the remaining groups. In particular, the article claims of Group IV depend from the composition claims of Group I, as do the product-by-process claims of Group II, and the article claims of Group III.

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Moreover, the claims of Group II are mischaracterized as method claims, when they are in fact product (by process) claims, which should not be restricted from the product (i.e., composition) claims of Group I.

Claims 56 and 57 are added, claims 48 and 52 are amended to depend from claim 56, and claims 50 and 54 are amended to depend from claim 57 to clarify the relationship between the allegedly independent and distinct inventions of the claims of Groups III and IV. All of claims 48-57 relate to a single invention in an absorbent article, and should be examined simultaneously in this application.

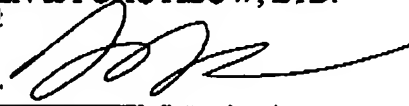
Accordingly, the restriction requirement is improper and should not be maintained

It is respectfully submitted that the application is in good form for initial examination on the merits. Accordingly, prompt and favorable examination on the merits is respectfully requested. Should the Examiner believe that anything further is desirable in order to place the application in even better condition for initial examination and allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account  
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this submission.